

**U.S. Environmental Protection Agency**  
**TMDL LISTENING SESSION**

**Theme: Implementation of TMDLs Addressing Nonpoint Sources**

Congress Plaza Hotel  
520 South Michigan Avenue  
Chicago, IL 60605  
312.427.3800  
October 22-23, 2001

**Meeting Summary**

The first in a series of five TMDL Listening Sessions was held on October 22-23, 2001, at the Congress Plaza Hotel in Chicago, Illinois. A copy of the agenda <link to agenda at: <http://www.epa.gov/owow/tmdl/meetings/agendachicago.html>> is included at: <http://www.epa.gov/owow/tmdl/meetings/agendachicago.html>. Approximately 120 people attended the meeting, representing federal, state, and local government, industry, agriculture, environmental and citizen interests. This document summarizes the ideas discussed in plenary sessions by the participants at the meeting. Comments noted on worksheets from small group discussions and those submitted by individuals may be found at *Attachment A*.

**Day One: Welcome, Introductions, Review Meeting Agenda and Ground Rules**

Ms. Jo-Lynn Traub, Director, Water Division, EPA Region 5, , welcomed participants to the Listening Session. Ms. Traub also introduced the other members of the listening panel for the Session: Mr. Bruce Yurdin, Illinois Environmental Protection Agency; Robert H. Wayland III, Director of the Office of Wetlands, Oceans, and Watersheds, U.S. EPA; and Mr. Tom Christensen, Director of Animal Husbandry and Clean Water Programs for the USDA Natural Resources Conservation Service. Mr. Christensen provided brief remarks about USDA's historic and continuing role in assisting locally-led initiatives to help address agricultural and forestry related nonpoint source pollution concerns. He also explained how USDA is working with EPA to bring agricultural and forestry perspectives to the final TMDL rule.

The facilitator, Ms. Gail Bingham, RESOLVE, reviewed the proposed meeting objectives, agenda, and logistics.

**Presentation: TMDLs – Moving Forward and Revising Regulations**

Mr. Wayland provided a brief presentation to the group highlighting key aspects of the

TMDL program, provisions of the current rule, status of future rulemaking, and background on implementation and nonpoint source issues. A copy of the presentation is included at <add url when available>.

A general opportunity for questions and comments from session participants followed.

An individual asked Mr. Wayland to comment on the extent to which the NRC report or the change of administration has led to the July rule being placed on hold and plans for EPA to revise the rule. Mr. Wayland responded that EPA has determined that the rule should be evaluated in light of additional experience developed by both states and the EPA. Another participant asked about the agency response if the TMDLs are not met in spite of best efforts by all parties to implement measures to reduce both point and nonpoint source loadings. Mr. Wayland replied that options included readjusting point source and nonpoint source burdens, revising waste load allocations, changing designated uses, or the water quality standards for that water body. The water quality standards program contemplates a variety of mechanisms to adjust water quality standards.

Also, as suggested in the Clean Water Action Plan, EPA is working closely with the USGS to have uniform delineation. EPA is comfortable with states choosing to manage on the sub-watershed level. A participant asked about EPA's directions in utilizing watershed plans to address TMDLs, or as a potential substitute for TMDLs, offering the perspective that there is an increased value of looking at multiple pollutants to the same segment, and done in same time frame; in adjacent segments, those may be bundled together and be provided to EPA as one solution.

A participant asked Mr. Wayland to describe the relationship between implementation of nonpoint and point source reductions. He responded that the concept of reasonable assurance is embedded in current policy; if point sources have a higher waste load allocation because of nonpoint source reductions, there needs to be some assurance that nonpoint source reductions will occur, or there will need to be reallocation between the two. Although not widely exercised today, EPA hopes to encourage trading mechanisms to enable point sources to purchase a reduction in a nonpoint source at a cost lower than if they were to realize that reduction themselves.

Another individual requested clarification about implementation plans in the new rule, asking if the task of Listening Session attendees is to help find ways to achieve implementation of water quality improvements without necessarily having implementation plans being required as part of the TMDL. Mr. Wayland informed the group that the EPA could potentially utilize an alternative mechanism if it would be as effective. He asked the group, if an implementation plan is not a requirement of TMDL, what steps can be taken to make sure that improvements in water quality are achieved, particularly from nonpoint sources?

Prior to the afternoon break, the facilitator reviewed instructions for the break out sessions with the group.

### **Facilitated Roundtable Discussions: Elements Needed for Effective Implementation**

Following the short break, participants engaged in small group discussions focusing on elements needed for effective implementation. A plenary session followed, in which the facilitator drew out highlights from the small group discussions. The key points raised are organized below by the questions listed on the agenda.

#### ***What elements of the 1992 rule provide the most effective mechanisms for encouraging implementation of nonpoint source (NPS) controls?***

Representatives from each small group identified several effective mechanisms from the 1992 rule for encouraging implementation of NPS controls. They shared that the 303(d) listing provided a focus for devoting attention and resources on impaired waterbodies; some suggested it could be more effective by targeting and focusing further. Others maintained that identifying waters in 305(b) reports, 319 funding programs, and USDA programs, among others, often provide even more constructive mechanisms.

Participants commented that the implementation flexibility given to states in the 1992 rule should be maintained. This flexibility allows stakeholders to provide local input and different tools to be used as needed for different situations. Some participants also noted that states have different approaches and tools that should be utilized and that not having written implementation plans as a requirement allowed more flexibility for states to adjust their implementation strategies and to learn from experience as they moved forward, potentially achieving more effectiveness with less administrative burden. Finally, participants proposed that EPA could build upon the planning process contained in the 1992 rule.

#### ***What gaps exist in the 1992 rule that limit effective implementation?***

Some participants supported the requirement for specific implementation plans to ensure that issues are thought through. Participants also raised a concern, however, that adaptive management strategies could and should be utilized better, particularly in situations where gaps exist in information about the causes of the impairment or the effectiveness of BMPs. Some level of assurance about implementation does need to be established through the rule.

Many participants expressed the concern that little implementation is actually occurring because of lack of coordination between different federal programs and at all levels. NPS stakeholders may be involved in implementing water quality improvement measures, but not necessarily through the

TMDL program. Some groups suggested that Section 208 is a more effective mechanism for implementation; others noted that increased focus on that program would be needed.

Some participants noted that they interpret the intent of Congress to be that the 303(d) requirements have to look to the other parts of the Clean Water Act and, sometimes, to other statutes such as the Clean Air Act for implementation (e.g. for atmospheric deposition). The TMDL program should only identify the problem and set the TMDL, referring implementation back to other programs that have the tools for implementing the reductions needed.

Many of the small groups identified lack of data (quantity and quality) as a major component limiting effective implementation. Specific data gaps include: baseline data, biological data, and technical data. There is a need to examine the gaps identified in the NRC study.

Many participants concurred that lack of funding is a major component hindering better data collection and overall implementation. Lack of transparency and formalized public input were also cited as barriers to implementation. Concerns were raised about the lack of public input both in the listing and de-listing process, as well as the need for a closer look at how water quality standards are set so that realistic goals and clear endpoints to measure against are established.

Finally, many participants pointed out that most gaps regarding implementation are external to the rule: lack of funding, lack of public awareness, institutional gaps, and coordination between agencies.

### ***What additional or alternative elements are needed?***

One participant suggested that the possibility of permitting at least some nonpoint sources be considered. Others endorsed strengthening the role of local government in watersheds planning. Greater outreach, education and awareness should happen at the local level to share what is being accomplished at the larger scale. Others noted a need for consistency across states, specifically regarding shared water bodies. Some states also lack sufficient authority to implement NPS controls.

### ***Additional Comments***

Spokespersons from some of the small groups also shared a variety of other comments. For example, in drawing the line between point and nonpoint sources, “one size does not fit all.” EPA needs to determine how to balance point and nonpoint sources controls and to encourage trading. EPA also should look to areas that are already implementing NPS controls and give credit for that effort. Agricultural producers should also be supported and given credit or incentives (e.g. regulatory relief) for utilizing effective, innovative technologies. Participants also suggested that actual implementation of best management practices (BMPs) may sometimes be a more efficient

way to deal with water quality problems and a better use of money than TMDL development because the effort is focused on action.

### ***Listening Panel Feedback***

Following the plenary report-out, listening panel members shared their observations and reflections on what was discussed. They commented on the diversity of opinions shared, and noted participants' observation that both that implementation occurs under a wide variety of program elements, including section 319, agricultural programs, and through the planning part of the process as opposed to through 303(d). Listening panel members also heard the need for local support, buy-in, and input through education and outreach and participation; this is even more important because implementation occurs at the local level. They also pointed out concerns voiced about lack of funding, consistency and coordination between agencies and programs, as well as the need for better data. There is a need to claim existing successes, facilitate the transfer of effective technologies, and publicize what works.

Listening panel members shared that many of the limitations in the program may not be tied directly to the rulemaking and additional opportunities and tools should be sought at and beyond the EPA (e.g., through the new Farm Bill). The EPA has some ability to work with states to improve monitoring programs, and should be clear about existing problems, where they occur, and who is responsible for working on it. Finally, listening panel members reflected that they heard some support for elements of the 2000 rule.

### **Facilitated Roundtable Discussions: Opportunities for Improvement in the TMDL Program Generally**

During the second round of small group discussions, participants chose a substantive topic (listed below) and discussed each of the following three questions: (1) What problems associated with the current TMDL program did the 2000 rule address well; (2) What problems either remain in or were created by the 2000 rule; and (3) What should EPA do to overcome problems in the 2000 rule? Again, the small group discussions were followed by a plenary session, in which the facilitator drew out highlights on each topic.

### ***Permitting***

Participants shared that the focus on implementation was good; permits are one way to effectively implement TMDLs for point sources. The progress on de-listing was also a positive part of the 2000 rule. Participants asked for clarification about how permitting would be handled in advance of a TMDL. They also shared that the 2000 rule gave no clear definition of reasonable assurance. Point sources feel that without clearer requirements for nonpoint sources they are at risk for being ultimately being responsible for all the waste load reductions required by the TMDL. Even with

trading, uncertainties in whether nonpoint sources would implement the reductions might also mean that point sources would have to take the final responsibility.

Spokespersons from the small group also commented on the importance of phasing-in the TMDL process and allowing time for data to come from both point and nonpoint sources. An improved determination of NPS contributions is necessary, pointing out the need for more data and better science.

This iterative process with TMDLs implied by adaptive management contributes to the fear experienced by permitted communities that they may be asked to implement a series of controls that are ultimately too stringent or not stringent enough. However, some expressed the view that this may not be able to be addressed through rulemaking. Participants shared discomfort with current guidance on pre-TMDL permitting; states are also struggling with it. Guidance would assist both states and stakeholders. Finally, several participants supported the use of “pollution” in place of “pollutant” in the new rule.

### ***Listing***

With regards to listing, participants commented about the disconnect between numerical and narrative standards. Delisting problems also were noted, including the problem that once waters are listed, they cannot come off until the TMDL is done. Some felt that problems also were created by listings due to fish advisories and for noxious aquatic plants with no pollutant identified. Participants suggested that it would be helpful to identify statistical methods to determine the adequacy and validity of data sets. They also asked about information on what is working in other states. EPA should implement pollutant-specific methodologies, encourage public input into the 303(d) listing, and better address what belongs on the list. There was significant support expressed for the extension of the listing cycle to 4 years, as well as interest in implementing a 5 year cycle; some expressed concern that states on a 5-year listing cycle, experience problems coordinating with cycles for permitting and water quality.

Participants showed support for public involvement in listing. There was also support for consideration of endangered species.

Participants commented that problems still exist with whether designated uses are appropriate or achievable. Designated use analyses may need to be reviewed, particularly where they haven't been done in the past 10 years. EPA should consider approving state listing methods, instead of approving each individual list. A standard protocol is needed for listing and de-listing, and the minimum data required for listing. Designated use analyses should occur before listing, especially if one has not been conducted in the past decade.

## ***Nonpoint Source TMDLs***

Groups discussing nonpoint source TMDLs commented that listing every four years provides more time to focus on implementation. The 2000 rule also addressed implementation plans, an aspect which some participants found important. Procedures for listing were also more defined, but EPA should incorporate more public participation in listing and delisting and more flexibility with the timeframe. Many participants liked the clearer methodology set forth for doing the TMDL, which included procedures, milestones, and monitoring requirements. The rule and TMDLs have created awareness in the NPS community.

Participants shared that the timeframe contained in the 2000 rule is restrictive, and means high costs for implementation. The lack of technical expertise, and need for good models, data, and people to review TMDLs, were not recognized in the rule. Delisting procedures were not addressed. Some supported the inclusion of reasonable assurance, but noted that the rule contained no tool to implement it.

Groups suggested focusing on implementing common sense BMPs with adequate government funding, and then going back to do the TMDL if necessary. Many favored a voluntary approach. More emphasis should be placed on local input. Some proposed more comprehensive watershed coordination for funding and research efforts, and to incorporate more public participation. Participants recommended improving research coordination and standardization of models and data quality objectives. Finally, participants suggested giving a stronger role to USDA so the TMDL program is perceived more positively in the agricultural community.

## ***Implementation***

Groups discussing implementation felt that implementation is important, but were divided about whether to require implementation plans as part of the rule, citing lack of funding and enough technical assistance as barriers. Some commented that the issue of not requiring a list of threatened waters is a step in the right direction. Some felt that the TMDL process doesn't fit with the overall context of the Act or planning process. EPA doesn't acknowledge farmers for their positive actions. Participants shared that the rule doesn't establish a clear baseline to improve from. They suggested utilizing better science and coordination, and making the TMDL a number. Again, participants supported the inclusion of an implementation program, but not necessarily as part of the TMDL, although it exposed infrastructure problems within the state. Participants said that it would be helpful to bring the rulemaking process to a close and eliminate confusion among the states trying to implement the program. It could also be linked to other permitting options.

## ***Additional Comments***

The facilitator asked whether any additional comments emerged from the small group discussion that had not been shared thus far. Participants shared several questions regarding the permitting process. An individual noted that for an approved TMDL, any wasteload allocation associated with it should be implemented through NPDES permits within the year after the TMDL is approved. Extending the time frame would bring the continued relevancy of the data into question. Finally, a participant noted that no one had raised data management issues, which still need to be attended to, funded, etc.

### ***Listening Feedback***

As Day One drew to a close, listening panel members commented that it is positive that states have begun to look critically at standards for listing and methodology and should continue to do so. They noted participants' recommendations that the EPA should approve the methodology up front and concerns about timeframes being too restrictive for NPS plans. Panel members also heard participants point out positive aspects of the 2000 rule including: adjustments in the listing cycle and the emphasis on implementation and establishing the framework, even if support for having the implementation plan as part of a TMDL was lacking. Many suggestions brought forward by the group can be considered for future guidance and don't need to wait for the 2003 rule; specifically, those issues associated with listing and data standards. Panel members heard the need for stability and effective implementation of the program, noting the particular challenges of rewriting the rule. One panel member reflected that the 1992 and 2000 rule are at two extremes: one is "bare bones," the other prescriptive. Some participants proposed that a middle ground might offer more clarity while retaining flexibility.

Day One of the meeting adjourned at 6pm.

### **Day Two: Agenda Review and Day One Follow-up Questions**

The facilitator welcomed participants to Day Two of the Listening Session, reviewed the agenda, and asked for any follow-up questions or comments from Day One.

A participant highlighted the importance of good monitoring and post-monitoring following BMPs; monitoring is a critical component that has been minimally supported by many agencies. Mr. Wayland agreed that monitoring could be a stronger element of the water quality management systems and is one of first things to suffer from budgetary constraints. Monitoring guidance (CALM) will help. The EPA is working with USGS, states and other partners to better address monitoring needs. There will be opportunities to review issues of sufficiency of data when looking at the new rule. Ms. Traub added that EPA is just beginning the process of working with Region 5 states to evaluate the adequacy of monitoring programs. With regards to the Great Lakes, a bi-national meeting will take place in September 2001 with Canada to develop agreements on



assessment across the lakes and ensure consistency of data to be used for delisting. Mr. Yurdin shared that, from a state perspective, there is a need to rely more on local assistance to collect data. States have a tremendous role in setting up programs; local programs have to be aware of what is expected from them and what should be collected. Mr. Christensen highlighted the issues of consistency, quality control and asked if there is a collective, long term commitment necessary for monitoring. He pointed out that it may take many years to monitor and measure the progress.

A participant asked about opportunities to utilize programs outside the 1992 rule having to do with NPS pollution to address some of the issues discussed or aspects of the rule as it moves forward. Mr. Christensen informed the group that a version of the Farm Bill passed in the House, and others are moving through the Senate. Local programs are key to making NPS programs work in impaired waters. Mr. Wayland shared that he is encouraged by the content of the Farm Bill, which would increase the funding for conservation programs for working lands. Next year could see substantial increases for conservation programs, which are valuable for producers interested but currently not able to participate in programs that are at or near their capacity. An alternative proposal would provide varying levels of assistance to farmers with a conservation plan on an annual basis, rewarding good practice but raising concerns about how far financial assistance can stretch over time. EPA is currently working with USDA and the administration on how the Farm Bill should be implemented.

An individual commented that the EPA is overlooking a large amount of available data, including historical data not in electronic formats. There is a great need for re-entering data as well as entering old data and support from EPA and states to modernize data systems. New listing guidance regarding data format is both useful and a step in right direction. The EPA should be careful that voluntary data alone is never used for decision-making; it is supplemental only. Iowa and Missouri volunteer monitoring programs have been a big success and demonstrate an easy way to let landowners see their own impacts without the fear factor. Mr. Wayland responded that the EPA has undertaken efforts to modernize its data collection program (STORET), and is providing assistance to states for staging and integrating new data systems.

### **Facilitated Roundtable Discussions: Accounting for Existing Local, State and Federal Programs**

Next, participants joined small group discussions to generate ideas for how to draw on implementation mechanisms in a wide variety of specific programs. Discussion focused on: (1) Which of the elements needed for effective implementation of NPS components of TMDLs are present in other federal and state programs (*each table focused on one program*); (2) What gaps exist that limit effective implementation; and (3) What might strengthen them? A plenary session followed, in which representatives from each small group shared highlights of the discussion at its table.

## ***Lake Restoration Programs***

Participants discussing lake restoration programs shared that lake-wide management plans (LaMPs) and remedial action plans done in Great Lakes are existing examples that have the elements needed for effective implementation of NPS components of TMDLs. LaMPs provide the benefit of a big-picture view and look at all uses. Gaps limiting effective implementation include public awareness; the general public is generally unaware of these problems in the Great Lakes (versus Chesapeake Bay where the public is generally more aware of the problems) and where to participate. There is a disconnect between LaMPs, which take time, and deadline-driven regulatory programs. EPA needs to address how to take these existing programs and link them up to the regulatory system.

## ***Storm Water***

Participants pointed out the lack of authority to enforce implementation of storm water programs and work together in terms of implementing storm water control plans. There is a tendency for jurisdictional issues to arise between urban and rural areas. Authorities are not all well-coordinated or well-funded. Gaps limiting effective implementation include lack of funding for implementing storm water controls and for incentive programs for rural areas, lack of technical knowledge (especially in small communities) and the need to raise the level of technical confidence in rural and small urban communities. Some BMPs are not well-proven in terms of effectiveness. Additional funding will strengthen programs. Authority to enforce implementation is also important.

## ***319 Program***

Participants in the small group discussion on the 319 program proposed that the program provided several effective implementation components including good opportunities to address TMDL issues and a good picture of water quality. Supplements to other funding sources and research efforts can be used to provide staff for watershed projects; they enhance the opportunity for local controls to work, be effective and follow up on that effectiveness. Participants shared that the 319 program doesn't address all water quality issues and tends to reward slow actors. They asked what would happen if the 319 program went away, and if it is setting itself up to continue without funding. Green payments were discussed as a long term incentive to keep programs going in the marketplace system. Participants identified that 319 resources are not always targeted at "hot spots," but targeted at first-come first-served participants.

To strengthen the program, participants proposed better priority setting and increasing effectiveness by utilizing existing data. Target funding can be used for additional needs. A key point is that 319 is a voluntary program based on cooperation not enforcement. Participants asked what would happen if volunteers don't come forward. Monitoring is needed to justify the program and it could

be strengthened by determining the program scope and who is responsible for implementation. Cooperation between the EPA and the USDA is important.

## ***USDA***

Group members identified existing voluntary, incentive-based agricultural conservation programs as effective implementation components. Technical assistance has been key to the successes of these programs and comes from USDA agencies (e.g. agricultural extension services), supported by research. They shared gaps and challenges including: lack of funding, agricultural program overlap, lack of coordination, and lack of focus on follow-up monitoring on BMPs. More money for conservation programs, enforcement against bad actors, and connecting state technical committees and water quality staff people working on TMDLs would strengthen implementation. Private organizations should be brought to the table and encouraged to step in and educate constituents regarding programs. Participants also suggested that voluntary programs should be brought together in a way to facilitate trust.

## ***Local Watershed Programs***

Participants identified several effective implementation elements in local watershed programs. They included expertise, experience and stakeholder trust in soil and water conservation districts, NRCS participation and funding, monitoring by local watershed groups, and USGS partnering with states in urban areas through the WERDA program. Implementation could be improved through uniform governance, partnerships with local producers, better coordination, increased monitoring, usable and accessible data, increased funding for USDA programs, and increased education. Participants suggested that the public needs to know what agricultural operations have insofar as business structure and how to address programs for water quality. States should remain flexible at the local level; effective watershed approaches focus on local problems and local watershed groups. Others suggested that there may be too much focus on local issues. Finally, there is a need for more information and more watershed groups nationally.

## ***Rotating Basins***

Participants discussing rotating basins highlighted monitoring and implementation commitment as positive aspects of these programs. They suggested that many states have strong histories of developing watershed management plans that could be used for TMDLs. Basin plans are a positive source of generalized information for what has to happen, an overview of the basin, and actions that should take place. Timing aspects also are important, to facilitate clustering TMDLs to utilize data more effectively and to encourage trading, particularly if all NPDES permits in a watershed were issued in the same time frame. More states should be encouraged to use the rotating basin approach. Gaps exist in data collection, monitoring, and quality assurance; volunteers can be

important if appropriate quality assurance plans are used. Disconnects between different levels of planning for watersheds should be resolved.

### ***Listening Panel Feedback***

Listening panel members reflected on the amount of discussion on the variety of programs and opportunities available. They shared that many participants mentioned training needs – other efforts are also taking place nationally that could have great benefit. Listening panel members heard that conservation is an ongoing process requiring continuous investment, and adaptive management. Agricultural producers will continue to require a wide array of assistance in order to respond to market forces, changes in market price, regulatory influences, weather effects, and development, and move forward. Panel members informed the group about the initial results of the National Watershed Forum, at which there was a strong call for improved coordination in spite of the challenge posed by different mandates. The call in the Clean Water Action Plan for development of federal coordination teams wasn't fully realized and needs to be re-examined. Finally, panel members echoed the need to improve monitoring and effectiveness of monitoring to make the best use of scarce resources, yet another area that could benefit from improved coordination.

### **Facilitated Roundtable Discussion: Creating a Framework for Ensuring Implementation and Plenary Discussion on Remaining Issues**

Following the mid-morning break, participants engaged in the final small group discussion to identify and discuss ideas for how to best ensure implementation of NPS components of TMDLs, considering key elements and mechanisms for implementation in the current program. Discussion focused on: (1) How can we best harmonize existing requirements and programs to achieve implementation of the NPS component of TMDLs; and (2) Is this best accomplished through restructuring programs and/or better coordinating/managing existing programs? Why? In what ways?

Participants again underscored the importance of involvement, education, and coordination at the local level, with both stakeholders and local government. The program should be simplified and allow local people to identify needs, write a program-neutral plan, take advantage of specific agency funding, and be flexible throughout process. Who would lead would vary from watershed to watershed. Various agencies should empower local watershed groups through guidance and a “toolbox” to list programs appropriate for addressing various watershed issues. Locally credible data should be obtained through local farm organizations and private organizations. In addition to the importance of local staff, agencies at the federal and state level should achieve mutual understanding of their own goals as well as those of other agency programs.

A participant shared the sense that technical staff need help from EPA on social science aspects of the program effort: how to communicate about data, how to identify people to talk to, how to engage their participation effectively, and how to make it interesting and informative to them. EPA should take a lead role in taking technical information and turn it into a clear, meaningful message for stakeholders. Participants suggested the need for a unified voice between the EPA and USDA, the agencies with the biggest roles in directing various programs affecting nonpoint sources. Others proposed separating implementation from the TMDL, and allowing USDA to take more of a lead role with respect to agricultural NPS implementation. Finally, one roadblock to implementation may be the feeling of inequity within the NPS community.

### ***Listening Panel Feedback***

Ms. Traub commented on the strong message that dealing with NPS issues is different from dealing with point source issues because it can't be "top down." There is a great need for local support and buy in. Additionally, there needs to be shared goals. EPA should capitalize on the existence and participation of local groups, and share its expertise to educate, convene, and facilitate in a meaningful way. Ms. Traub reflected that EPA might also consider shared accountability with stakeholders alongside shared goals to get job done.

Mr. Wayland echoed comments from participants about the importance of developing a program-neutral plan to help facilitate local groups satisfying multiple objectives and drawing on multiple programs for implementation purposes. EPA should also develop flexible templates to satisfy sections 319, 303(d), and perhaps other requirements. He heard participants' perspectives that the development of a plan at the watershed level could be sufficient, and may constitute the functional equivalency for multiple programs/objectives. He also emphasized that the Clean Water Act places the responsibility on states to submit TMDLs to EPA, and that states have various levels of comfort with empowering local groups. The EPA is exploring this possibility with USDA and other partners. EPA is committed to providing tools and information to watershed groups who want to take on the responsibility for meeting Clean Water Act goals. In summary, Mr. Wayland reflected that the value of this session has been suggestions on what to do to re-craft regulation and to help EPA "run a better marathon:" how to improve programs without needing to wait on developing a new regulation.

Mr. Yurdin shared his appreciation for all who attended, and shared the hope that state/interstate agencies and other organizations including environmental groups not just stop here but continue the process to transfer all the way to end of the line to the Federal Register notice. Mr. Christensen highlighted the importance of the social science aspect of the discussion as well as providing a unified voice between USDA and USEPA. The latter is something the current administration is working very hard on. He commented on the fairness issue in the TMDL process and that EPA must also consider who has the ability to pass along the costs of TMDL implementation and who

does not in determining what needs to be done. Economics of best management practices need more work so that programs make economic sense.

### **Wrap Up/Next Steps**

A summary of the meeting will be posted on the website. Individuals should contact EPA if they notice gaps or errors in the summary. The facilitator also encouraged participants to turn in written comments and/or individual worksheets from the meeting to ensure that any ideas or concerns not shared in the plenary group discussion would be captured and transmitted to EPA. The culmination of the series of five listening sessions will be a meeting in Washington, DC, to be held on December 11<sup>th</sup>. Comments received at all sessions will be considered in shaping any proposed rule, which will then go through a traditional notice and comment process.

Listening panel members expressed their appreciation to all who attended for their contributions and assistance to EPA in doing its work more successfully.

The meeting adjourned at 12pm.

